

REMARKS

The Office Action mailed April 30, 2008, and made final has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1, 3-7, 10-16, 18-22, and 25-30 are now pending in this application. Claims 1, 3-7, 10-16, 18-22, and 25-30 stand rejected.

The rejection of Claims 1, 3-7, 10, 11, 14-16, 18-22, 25, 26, 29, and 30 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,653,219 to Taplan (hereinafter referred to as "Taplan '219") is respectfully traversed.

Taplan '219 describes a drop-in cooktop (1) that includes a pan-shaped base (5) and a continuous glass-ceramic cook plate (2) including two atmospheric gas burners (3, 3') mounted therein. The cooktop (1) also includes an air-inlet device (15) configured such that the primary air to the gas burner can be adjusted. The air-inlet device (15) includes an outer tube or curved channel (16) seated in a gap between boundary edges (18 and 20) and includes a lateral outer opening (22) formed therein. Notably, Taplan '219 does not describe nor suggest an attachment portion overlapping a top surface of the cooktop and extending along a full length of a peripheral vent cut defined in the cooktop.

Claim 1 recites an air inlet system for a gas cooking apparatus having at least one gas burner and a burner box around the at least one gas burner, wherein the air inlet system includes "a cooktop configured to cover said burner box and having at least one peripheral vent cut configured to vent outside air into the burner box . . . said at least one peripheral vent cut defining a first opening through said cooktop . . . a vent trim attached to said cooktop and covering said at least one peripheral vent cut . . . an attachment portion overlapping said top surface of said cooktop . . . said attachment portion extending along substantially a full length of said at least one peripheral vent cut, and at least one clip overlapping a bottom surface of said cooktop, said vent trim surface defining an underlying cavity, wherein said second openings are configured to allow outside air to enter the burner box through said vent trim."

Taplan '219 does not describe nor suggest an air inlet system as is recited in Claim 1. More specifically, Taplan '219 does not describe nor suggest an attachment portion overlapping the top surface of the cooktop extending along substantially a full length of the peripheral vent cut, as is required by Applicants' claimed invention. Rather, in contrast to the

present invention, Taplan '219 shows small diagonal pieces, in Figs. 6b and 6c, which couple an outer tube or curved channel, seated in a gap defined between the boundary edges, to the top surface of the cooktop. However, such small diagonal pieces are not described in the Taplan '219 specification.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Taplan '219.

Claims 3-7 depend from independent Claim 1. When the recitations of Claims 3-7 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 3-7 are likewise patentable over Taplan '219.

Claim 10 recites an air inlet system for a gas cooking apparatus having at least one gas burner and a burner box around the at least one gas burner, wherein the air inlet system includes "a cooktop configured to cover the burner box and having at least one peripheral vent cut configured to vent outside air into the burner box . . . an elongated cover member attached to a top face and a bottom face of said cooktop and covering said at least one peripheral vent cut . . . said cover member having a surface with openings configured to allow outside air to enter said at least one peripheral vent cut through said cover member . . . said cover member comprising an attachment portion having a lip extending substantially along a length of said cover member, said lip engaging said bottom face substantially along a full length of said at least one peripheral vent cut."

Taplan '219 does not describe nor suggest an air inlet system as is recited in Claim 10. More specifically, Taplan '219 does not describe nor suggest an attachment portion engaging the bottom face of the cooktop extending along substantially a full length of the peripheral vent cut, as is required by Applicants' claimed invention. Rather, in contrast to the present invention, Taplan '219 shows small diagonal pieces, in Figs. 6b and 6c, which couple an outer tube or curved channel, seated in a gap defined between the boundary edges, to the top surface of the cooktop. However, such small diagonal pieces are not described in the Taplan '219 specification.

Accordingly, for at least the reasons set forth above, Claim 10 is submitted to be patentable over Taplan '219.

Claims 11, 14, and 15 depend from independent Claim 10. When the recitations of Claims 11, 14, and 15 are considered in combination with the recitations of Claim 10, Applicants submit that dependent Claims 11, 14, and 15 are likewise patentable over Taplan '219.

Claim 16 recites a gas cooking apparatus including “at least one gas burner . . . a burner box for said at least one gas burner . . . a cooktop configured to cover said burner box and having at least one peripheral vent cut configured to vent outside air into said burner box . . . said at least one peripheral vent cut defining a first opening through said cooktop . . . a vent trim attached to said cooktop and covering said at least one peripheral vent cut . . . an attachment portion overlapping said top surface of said cooktop . . . said attachment portion extending along substantially a full length of said at least one peripheral vent cut, and at least one clip overlapping a bottom surface of said cooktop, said vent trim surface defining an underlying cavity, wherein said second openings are configured to allow outside air to enter said burner box through said vent trim.”

Taplan '219 does not describe nor suggest a gas cooking apparatus as is recited in Claim 16. More specifically, Taplan '219 does not describe nor suggest an attachment portion overlapping the top surface of the cooktop extending along substantially a full length of the peripheral vent cut, as is required by Applicants' claimed invention. Rather, in contrast to the present invention, Taplan '219 shows small diagonal pieces, in Figs. 6b and 6c, which couple an outer tube or curved channel, seated in a gap defined between the boundary edges, to the top surface of the cooktop. However, such small diagonal pieces are not described in the Taplan '219 specification.

Accordingly, for at least the reasons set forth above, Claim 16 is submitted to be patentable over Taplan '219.

Claims 18-22 depend from independent Claim 16. When the recitations of Claims 18-22 are considered in combination with the recitations of Claim 16, Applicants submit that dependent Claims 18-22 are likewise patentable over Taplan '219.

Claim 25 recites a gas cooking apparatus including “at least one gas burner . . . a burner box for said at least one gas burner . . . a sealed cooktop configured to cover said burner box and having at least one peripheral vent cut . . . an elongated member attached to a top face and a bottom face of said cooktop and covering said at least one peripheral vent cut .

. . said cover member having a surface with openings configured to allow outside air to enter said at least one peripheral vent cut through said cover member . . . said cover member comprising an attachment portion having a lip extending substantially along a length of said cover member, said lip engaging said bottom face substantially along a full length of said at least one peripheral vent cut.”

Taplan ‘219 does not describe nor suggest a gas cooking apparatus as is recited in Claim 25. More specifically, Taplan ‘219 does not describe nor suggest an attachment portion engaging the bottom face of the cooktop extending along substantially a full length of the peripheral vent cut, as is required by Applicants’ claimed invention. Rather, in contrast to the present invention, Taplan ‘219 shows small diagonal pieces, in Figs. 6b and 6c, which couple an outer tube or curved channel, seated in a gap defined between the boundary edges, to the top surface of the cooktop. However, such small diagonal pieces are not described in the Taplan ‘219 specification.

Accordingly, for at least the reasons set forth above, Claim 25 is submitted to be patentable over Taplan ‘219.

Claims 26, 29, and 30 depend from independent Claim 25. When the recitations of Claims 26, 29, and 30 are considered in combination with the recitations of Claim 25, Applicants submit that dependent Claims 26, 29, and 30 are likewise patentable over Taplan ‘219.

For at least the reasons set forth above, Applicants respectfully request that the Section 102(b) rejection of Claims 1, 3-7, 10, 11, 14-16, 18-22, 25, 26, 29, and 30 be withdrawn.

The rejection of Claims 12, 13 and 27, 28 under 35 U.S.C. § 103(a) as being unpatentable over Taplan ‘219 in view of U.S. Patent No. 6,067,980 to Kahlke (hereinafter referred to as “Kahlke ‘980”) is respectfully traversed.

Taplan ‘219 is described above.

Kahlke ‘980 describes a cooking surface (2) that is glued in a cooking surface-frame housing (8) such that a slot-shaped, adhesive-free opening (8a) is formed as an outlet opening for exhaust gases (7) at a rear of the cooking surface (2) and gas-cooking appliance (1).

Exhaust opening (8a) is formed in an area (2a) of cooking surface (2) that is beveled upwardly in the rear portion such that beveled portion (2b) extends upwardly. A back wall provided by the frame (8) is spaced a distance from a rear edge of beveled portion (2b). Notably, Kahlke '980 does not describe nor suggest an elongated cover member attached to the top face and bottom face of the cooktop.

Claims 12 and 13 depend from independent Claim 10, which recites an air inlet system for a gas cooking apparatus having at least one gas burner and a burner box around the at least one gas burner, wherein the air inlet system includes "a cooktop configured to cover the burner box and having at least one peripheral vent cut configured to vent outside air into the burner box . . . an elongated cover member attached to a top face and a bottom face of said cooktop and covering said at least one peripheral vent cut . . . said cover member having a surface with openings configured to allow outside air to enter said at least one peripheral vent cut through said cover member . . . said cover member comprising an attachment portion having a lip extending substantially along a length of said cover member, said lip engaging said bottom face substantially along a full length of said at least one peripheral vent cut."

No combination of Taplan '219 and Kahlke '980 describes nor suggests an air inlet system for a gas cooking apparatus as is recited in Claim 10. More specifically, no combination of Taplan '219 and Kahlke '980 describes nor suggests an elongated cover member that extends along a substantially full length of a peripheral vent cut, and that is attached to a top face and a bottom face of a cooktop. Moreover, no combination of Taplan '219 and Kahlke '980 describes nor suggests an attachment portion having a lip that extends along substantially a full length of the cover member, as is required by Applicants' claimed invention. For at least the reasons set forth above, Applicants respectfully submit that Claim 10 is patentable over Taplan '219 in view of Kahlke '980.

Claims 12 and 13 depend from independent Claim 10. When the recitations of Claims 12 and 13 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 12 and 13 are likewise patentable over Taplan '219 in view of Kahlke '980.

Claims 27 and 28 depend from independent Claim 25, which recites a gas cooking apparatus including "at least one gas burner . . . a burner box for said at least one gas burner .

. . a sealed cooktop configured to cover said burner box and having at least one peripheral vent cut . . . an elongated member attached to a top face and a bottom face of said cooktop and covering said at least one peripheral vent cut . . . said cover member having a surface with openings configured to allow outside air to enter said at least one peripheral vent cut through said cover member . . . said cover member comprising an attachment portion having a lip extending substantially along a length of said cover member, said lip engaging said bottom face substantially along a full length of said at least one peripheral vent cut.”

No combination of Taplan ‘219 and Kahlke ‘980 describes nor suggests an air inlet system for a gas cooking apparatus as is recited in Claim 25. More specifically, no combination of Taplan ‘219 and Kahlke ‘980 describes nor suggests an elongated cover member that extends along a substantially full length of a peripheral vent cut, and that is attached to a top face and a bottom face of a cooktop. Moreover, no combination of Taplan ‘219 and Kahlke ‘980 describes nor suggests an attachment portion having a lip that extends along substantially a full length of the cover member, as is required by Applicants’ claimed invention. For at least the reasons set forth above, Applicants respectfully submit that Claim 25 is patentable over Taplan ‘219 in view of Kahlke ‘980.

Claims 27 and 28 depend from independent Claim 25. When the recitations of Claims 27 and 28 are considered in combination with the recitations of Claim 25, Applicants submit that dependent Claims 27 and 28 are likewise patentable over Taplan ‘219 in view of Kahlke ‘980.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither of Taplan ‘219 or Kahlke ‘980, considered alone or in combination, describes or suggests the claimed combination. Further, in contrast to the Examiner’s assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Taplan ‘219 and Kahlke ‘980, because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants’ own teaching.

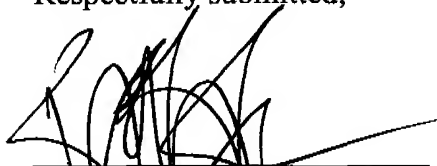
As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Further, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected in an attempt to arrive at the claimed invention. Since there is no teaching or suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 12, 13, 27 and 28 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Robert B. Reeser', written over a horizontal line.

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